Final Issue Report

Inter-Registrar Transfer Policy

Part C

STATUS OF THIS DOCUMENT

This is the Final Issue Report on the Inter-Registrar Transfer Policy (IRTP) Part C as requested by the Generic Names Supporting Organization (GNSO) Council, prepared by ICANN Staff.

SUMMARY

This report is submitted to the GNSO Council in response to a request received from the Council pursuant to a motion proposed and carried during the Council meeting on 22 June 2011.

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1 Executive summary

1.1 This Final Issue Report addresses three issues associated with the Inter-Registrar Transfer Policy (IRTP). The IRTP is an existing consensus policy developed through the GNSO's policy development process (PDP) and is currently under review by the GNSO.

1.2 The three issues addressed are:

- "Change of Control" function, including an investigation of how this function is currently achieved, if there are any applicable models in the country-code name space that can be used as a best practice for the gTLD space, and any associated security concerns. It should also include a review of locking procedures, as described in Reasons for Denial #8 and #9, with an aim to balance legitimate transfer activity and security.
- Whether provisions on time-limiting Form Of Authorization (FOA)s should be implemented to avoid fraudulent transfers out. For example, if a Gaining Registrar sends and receives an FOA back from a transfer contact, but the name is locked, the registrar may hold the FOA pending adjustment to the domain name status, during which time the registrant or other registration information may have changed.
- Whether the process could be streamlined by a requirement that registries use IANA IDs for registrars rather than proprietary IDs.

1.3 To initiate the review of the policy, the GNSO formed a Transfers Working Group to draw on experiences with the policy and recommend possible further policy work. The Working Group suggested certain clarifications of the policy and identified a number of issues for potential policy work by the GNSO. The latter issues were reviewed by a volunteer group that suggested a sequence of potential PDPs, grouping these issues (see http://gnso.icann.org/drafts/transfer-wg-recommendations-pdp-groupings-19mar08.pdf). Following the completion of IRTP Part B, the GNSO Council resolved to request an Issue Report on the issues remaining in issue set C as identified by the

Transfers Working Group as well as one issue identified by the IRTP Part B PDP Working Group.

1.4 A public comment period was initiated on the Preliminary Issue Report (see http://www.icann.org/en/public-comment/irtp-c-preliminary-report-25jul11-en.htm). The report of public comments can be found in Annex A.

1.5 Section 4 of this report explores the three issues identified individually, provides references to documents and processes that can inform future policy work; and indicates some areas where further data and information gathering could be of potential value.

1.6 The launch of a dedicated Policy Development Process limited to consideration of these issues has been confirmed by the General Counsel to be properly within the scope of the ICANN policy process and within scope of the GNSO and is recommended by ICANN Staff.

2 Objective

2.1 This report is submitted in accordance with Step 2 of the Policy Development Process described in Annex A of the ICANN Bylaws (http://www.icann.org/general/bylaws.htm#AnnexA).

2.2 In this context, and in compliance with ICANN Bylaw requirements:

a. The proposed issue raised for consideration:

A set of issues relating to the Inter-Registrar Transfer Policy (IRTP), namely:

a) "Change of Control" function, including an investigation of how this function is currently achieved, if there are any applicable models in the country-code name space that can be used as a best practice for the gTLD space, and any associated security concerns. It should also include a review of locking procedures, as described in Reasons for Denial #8 and #9, with an aim to balance legitimate transfer activity and security.

b) Whether provisions on time-limiting Form Of Authorization (FOA)s should be implemented to avoid fraudulent transfers out. For example, if a Gaining Registrar sends and receives an FOA back from a transfer contact, but the name is locked, the registrar may hold the FOA pending adjustment to the domain name status, during which time the registrant or other registration information may have changed.

c) Whether the process could be streamlined by a requirement that registries use IANA IDs for registrars rather than proprietary IDs.

b. The identity of the party submitting the issue:

GNSO Council.

c. How that party is affected by the issue:

The GNSO is responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains. The GNSO includes various stakeholder groups and constituencies, which are affected in various ways by issues

relating to inter-registrar transfers. These issues are discussed in further detail in Section 4 below.

d. Support for the issue to initiate the PDP:

The GNSO Council voted unanimously in favor of requesting an Issue Report on IRTP Part C at its meeting of 22 June 2011.

e. Staff recommendation:

i. Whether the issue is within the scope of ICANN's mission statement:
ICANN's mission statement includes the coordination of the allocation of certain types of unique identifiers, including domain names, and the coordination of policy development reasonably and appropriately related to these technical functions.

ii. Whether the issue is broadly applicable to multiple situations or organizations:
The Inter-Registrar Transfer Policy is applicable to every transfer of a domain name between ICANN-accredited registrars, in all gTLDs that have implemented the policy. Thus, it affects a high percentage of gTLD registrants (individuals and organizations).

iii. Whether the issue is likely to have lasting value or applicability, albeit with the need for occasional updates:
Enhancements of the existing Inter-Registrar Transfer Policy will have lasting value and applicability, as the policy will continue to apply to gTLD registries and registrars.

iv. Whether the issue will establish a guide or framework for future decision-making:
Enhancements of the existing Inter-Registrar Transfer Policy may establish a guide or framework which would be applicable in other areas.

v. Whether the issue implicates or affects an existing ICANN policy.
Enhancements of the existing Inter-Registrar Transfer Policy clearly affect the existing policy.

2.3 Based on the above, the launch of a dedicated policy development process limited to consideration of these issues has been confirmed by the General Counsel to be properly within the scope of the ICANN policy process and within the scope of the GNSO. In addition, taking into account that transfer related issues are the # 1 area of complaint according to data from ICANN Compliance, ICANN Staff recognizes the importance of addressing issues in relation to the IRTP and supports, therefore, the initiation of a PDP on IRTP Part C.

2.4 In accordance with the proposed revised GNSO Policy Development Process, the Staff Manager published the Preliminary Issue Report for public comment in order to allow for community input on additional information that may be missing from the Preliminary Issue Report, or the correction or updating of any information in the Preliminary Issue Report. In addition, the public comment period allowed for members of the ICANN Community to express their views to the GNSO Council on whether or not to initiate a PDP. The report of public comments received can be found in Annex A. Based on the comments submitted, a minor addition to the information provided for Issue C has been included.

2.5 In accordance with step 2(f) of the policy development process, the Staff Manager will distribute the Final Issue Report to the full Council for a vote on whether to initiate the PDP. This report is submitted with a view to fulfilling that provision.

3 Background

3.1 Process background

3.1.1 Following a Final Report from the GNSO Council's Transfers Task Force (http://www.icann.org/gnso/transfers-tf/report-12feb03.htm), subsequently submitted as a Recommendation by the GNSO Council and adopted by the ICANN Board, ICANN announced, on 12 July 2004, the adoption of the Inter-Registrar Transfer Policy (see http://www.icann.org/announcements/advisory-12jul04.htm), with an effective date of 12 November 2004.

3.1.2 On 12 January 2005, ICANN posted a notice requesting public input on experiences with the Inter-Registrar Transfer Policy (http://www.icann.org/announcements/announcement-12jan05.htm). Staff used the public comments along with its experiences in responding to questions and complaints to create a Staff Report on Experiences with the Inter-Registrar Transfer Policy, posted on 14 April 2005 (see http://www.icann.org/transfers/transfer-report-14apr05.pdf).

3.1.3 On 12 May 2005, the GNSO Council decided "to form a working group with a representative group of volunteers from the GNSO to review the staff report in order to seek clarification, further information and provide guidance for the 6 month review and to report back to the Council at its meeting on 2 June 2005." (see http://gnso.icann.org/meetings/minutes-gnso-12may05.htm).

3.1.4 On 17 September 2007, the chair of the Transfers Working Group provided the Council with a set of documents as the outcome of the group's work (see http://gnso.icann.org/mailing-lists/archives/council/msg03895.html). These documents included: (i) a draft advisory containing reminders and clarifications about the policy; (ii)

a broad list of policy issues on which the GNSO might wish to do further work; and (iii) a list of issues focused on Section 3 of the policy, for which a focused PDP aimed at clarifications to these issues would be recommended.

3.1.5 At its meeting on 20 September 2007, the GNSO Council voted in favor of the following motion:

i) The GNSO Council will issue the working group report entitled "Advisory Concerning Inter-Registrar Transfer Policy" (see: http://gnso.icann.org/drafts/Transfer-Advisory-23aug07.pdf) for constituency and community review and comment for a period of no less than 14 days, and;

i.a) pursuant to this comment period, all material commentary will be summarized and reviewed by Council

i.b) pursuant to the review by Council that the current, or an amended form of this report be provided to Staff for posting to the ICANN web site as a community advisory.

ii) Pursuant to section 1.b of Annex A of ICANN's Bylaws, that the GNSO Council initiate the formal GNSO Policy Development Process by requesting the creation of an issues report evaluating issues raised by the working group document "Points of Clarification Inter-Registrar Transfer Policy". See: (http://gnso.icann.org/drafts/Transfer-Denial-Clarifications-23aug07.pdf)

iii). That the GNSO Council form a short-term planning group to analyse and prioritize the policy issues raised in the report "Communication to GNSO on Policy Issues Arising from Transfer Review" (see: http://gnso.icann.org/drafts/Transfer-Policy-Issues-23aug07.pdf) before the Council further considers a PDP on any of the work discussed in the report."

3.1.6 At its meeting on 8 May 2008, the GNSO Council voted in favor of the following motion:

Whereas:

The Inter-Registrar Transfer Policy (IRTP) is an existing consensus policy under review by the GNSO,

An IRTP working group examined possible areas for improving the existing policy and delivered its outcome in August 2007 in a report posted at http://www.gnso.icann.org/drafts/Transfer-Policy-Issues-23aug07.pdf and this report provided a list of potential issues to address for improvement of the transfer policy,

In September 2007 a working group was tasked by the GNSO Council to assign priorities to the remaining issues in the report (i.e., those not addressed in the PDP underway regarding four reasons for denial of a registrar transfer) resulting in the prioritized issue list contained in that group's report at http://www.gnso.icann.org/drafts/irdx-policy-priorities-20dec07.pdf,

In its meeting on 17 January 2008 the GNSO Council requested a small group of volunteers arrange the prioritized issue list into suggested PDPs,

The small group delivered its recommended PDPs on 19 March 2008 in its report at http://gnso.icann.org/drafts/transfer-wg-recommendations-pdp-groupings-19mar08.pdf,

Resolved that five PDPs be initiated in the order suggested by the small group and shown here:

PDP ID	PDP Category Name	Policy Issue #
A	New IRTP Issues	1, 3, 12
B	Undoing Registrar Transfers	2, 7, 9
C	IRTP Operational Rule Enhancements	5, 6, 15*, 18
D	IRTP Dispute Policy Enhancements	4, 8, 16, 19
E	Penalties for IRTP Violations	10

* First part of issue only

Resolved; that the recommendations of the small group be approved to not initiate PDPs at this time for issues 11, 13, 14, the second part of 15, and 17.
Resolved; that the Council asks the staff to produce an Issues report of the Items listed under A - New IRTP Issues.
Resolved; Council will review the progress of these PDPs every 60 days with the goal of moving the process along as quickly a possible.

3.2 Issue Background

3.2.1 The GNSO's Transfers Working Group produced a broad list of issues for which the GNSO might wish to initiate further policy work (see http://gnso.icann.org/mailing-list/archives/council/msg03895.html). This list of issues suggested by the Transfers Working Group was subsequently assigned priorities by the Prioritization Committee of the Working Group, following a request from the GNSO Council. This work concluded in a report, available at http://gnso.icann.org/drafts/irdx-policy-priorities-20dec07.pdf.

3.2.2 On 17 January 2008, the GNSO Council tasked a group of volunteers to review the prioritized list with a view to arrange the issues in suitable sets for PDPs. This group analyzed the issues and grouped them according to similarities as well as to assigned priorities, suggesting five issue sets A-E in a report available at http://gnso.icann.org/drafts/transfer-wg-recommendations-pdp-groupings-19mar08.pdf.

3.2.3 A first PDP exploring clarifications for a number of reasons for denial of a transfer, as outlined in http://gnso.icann.org/drafts/Transfer-Denial-Clarifications-23aug07.pdf was launched in September 2007. Its recommendations were adopted by the ICANN board in November 2008. A second PDP focused on the issues outlined in set A. This PDP commenced in June 2008. A final report was presented to the GNSO Council in March 2009. The GNSO Council resolved at its meeting on 16 April 2009 to combine the issues outlined under the original issue set B, addressing three

issues related to undoing IRTP transfers, and some of the issues outlined in issue set C, related to registrar lock status and denial reason #7, into one IRTP Part B. The IRTP Part B Working Group delivered its Final Report to the GNSO Council in May 2011.

3.2.4 The GNSO Council resolved at its meeting on 22 June 2011 to request an Issue Report on the remaining issues outlined in issue set C and one issue that was recommended for inclusion in IRTP Part C by the IRTP Part B Working Group. As one issue in the remaining issues in set C had already been addressed by one of the recommendations of the IRTP Part B Working Group ('Whether requirements should be in place for Registrars of Record to send an FOA to the Registrant or Admin Contact'), the GNSO Council decided not to include it in the list of issues for IRTP Part C.

4 Discussion of proposed issues

4.1 Overview

The issues, which are the subject of this report, concern the following:

a) "Change of Control" function, including an investigation of how this function is currently achieved, if there are any applicable models in the country-code name space that can be used as a best practice for the gTLD space, and any associated security concerns. It should also include a review of locking procedures, as described in Reasons for Denial #8 and #9, with an aim to balance legitimate transfer activity and security.
b) Whether provisions on time-limiting Form Of Authorization (FOA)s should be implemented to avoid fraudulent transfers out. For example, if a Gaining Registrar sends and receives an FOA back from a transfer contact, but the name is locked, the registrar may hold the FOA pending adjustment to the domain name status, during which time the registrant or other registration information may have changed.
c) Whether the process could be streamlined by a requirement that registries use IANA IDs for registrars rather than proprietary IDs.

The issues are addressed individually in the following sections.

4.2 “Change of Control” and Reasons for Denial #8 & #9

a) "Change of Control" function, including an investigation of how this function is currently achieved, if there are any applicable models in the country-code name space that can be used as a best practice for the gTLD space, and any associated security concerns. It should also include a review of locking procedures, as described in Reasons for Denial #8 and #9, with an aim to balance legitimate transfer activity and security.

4.2.1 In the context of its deliberations on whether special provisions are needed for a change of registrant near a change of registrar, which can be an indication of an inappropriate transfer for example as the result of a hijacking, the IRTP Part B Working Group discussed the issue of 'Change of Control'. The WG noted that 'the primary function of IRTP is to permit Registered Name Holders to move registrations to the Registrar of their choice, with all contact information intact'. However, it was also noted that the IRTP is widely used to affect a 'change of control', namely by moving the domain name to a new Registered Name Holder, in conjunction with a transfer to another registrar. For example, in the domain name aftermarket it is not uncommon to demonstrate control of a domain name registration through the ability to transfer the domain name registration to another registrar following which the registrant information is changed to the new registrant. Nevertheless, the concept of 'change of control' is not defined in the context of gTLDs.

4.2.2 The IRTP Part B WG discussed the existing IRTP Reason for Denial #8[1] and #9[2], which allows the losing registrar to deny a transfer if it is within 60 days of being transferred or created. These IRTP Reasons for Denial are optional, although prohibitions on transfers during these time periods are required in many registry agreements (see for example sections 3.1.1. and 3.1.4. - http://www.icann.org/en/tlds/agreements/org/appendix-07-08dec06.htm). IRTP Reason for Denial #8 and #9 may be used by a registrar as a mechanism to prevent 'registrar hopping[3]', which makes it more difficult to undo a transfer in case of conflict or an inappropriate transfer. At the same time, some members of the IRTP Part B WG noted that such locks have the ability to reduce the flexibility to move domain name registrations to a registrar of choice. In the example

[1] Registrar of Record may deny a transfer request if 'The transfer was requested within 60 days of the creation date as shown in the registry Whois record for the domain name'.
[2] Registrar of Record may deny a transfer request if 'A domain name is within 60 days (or a lesser period to be determined) after being transferred (apart from being transferred back to the original Registrar in cases where both Registrars so agree and/or where a decision in the dispute resolution process so directs). "Transferred" shall only mean that an inter-registrar transfer has occurred in accordance with the procedures of this policy'.
[3] Multiple inter-registrar transfers of the same domain name registration in a very short period of time

provided in the previous bullet point, if denial reason #9 would be applied, it would restrict the new registrant from moving the domain name registration to his / her registrar of choice for 60 days after acquiring the registration. It is important to emphasize that IRTP Reason for Denial #8 and #9 only apply to a change of registrar, not a change of registrant[4].

4.2.3 As a result of the different views in the WG and the lack of data on the number of domain name hijacking[5] cases with resolution problems due to the registrar hopping practice vs. the number of legitimate transfers benefitting of a less stringent locking policy, the IRTP Part B Working Group did not come to consensus on making reasons for denial #8 and 9 required instead of optional. However, the deliberations on the issue of 'change of control' and IRTP Reasons for Denial #8 and #9 revealed a clear link between the two issues and the WG therefore recommended[6] that the 'issue of transfer 'hopping' after hijacking be considered in conjunction with the issue of the lacking "change of control" function while also taking a review of the domain locking options in IRTP into account' as part of IRTP Part C.

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[4] Various registrars lock a domain name registration for a sixty-day period following a change of registrant to prevent hijacking and/or unauthorized transfer of a domain name registration, but this is a registrar lock, which is not linked to the IRTP.

[5] Domain hijacking refers to the wrongful taking of control of a domain name from the rightful name holder (see http://www.icann.org/announcements/hijacking-report-12jul05.pdf).

[6] Recommendation #4: The WG notes that the primary function of IRTP is to permit Registered Name Holders to move registrations to the Registrar of their choice, with all contact information intact. The WG also notes that IRTP is widely used to affect a "change of control," moving the domain name to a new Registered Name Holder. The IRTP Part B WG recommends requesting an Issue Report to examine this issue, including an investigation of how this function is currently achieved, if there are any applicable models in the country-code name space that can be used as a best practice for the gTLD space, and any associated security concerns. The policy recommendations should include a review of locking procedures, as described in Reasons for Denial #8 and #9, with an aim to balance legitimate transfer activity and security. Recommendations should be made based on the data needs identified in the IRTP Part B workgroup discussions and should be brought to the community for public comment. The WG would like to strongly encourage the GNSO Council to include these issues (change of control and 60-day post-transfer lock) as part of the next IRTP PDP and ask the new working group to find ways to quantify their recommendations with data.

4.2.4 The IRTP Part B Working Group also noted that 'Data on the frequency of hijacking cases is a pivotal part of this analysis. Mechanisms should be explored to develop accurate data around this issue in a way that meets the needs of registrars to protect proprietary information while at the same time providing a solid foundation for data-based policy-making. Data on legitimate transfer activity benefitting from the current locking policy wording needs to be collected'. Although a small aftermarket survey conducted by members of the IRTP Part B Working Group provided a limited insight into the incidence of hijacking (http://forum.icann.org/lists/gnso-irtp-b-jun09/msg00531.html), the IRTP Part B Working Group was not able to obtain any robust data on the incidence of hijacking. Further data gathering efforts would need to take into account the potential sensitivity in relation to sharing this kind of information by registrars.

4.2.5 No definition or procedure currently exists within the IRTP or any other gTLD policy that defines a 'change of control'. At the same time, many country code Top Level Domains (ccTLDs) do have a procedure or process for a 'change of control'. For example, Nominet (.uk) uses the concept of registrant transfer (see http://www.nominet.com/registrants/maintain/transfer/), .EU calls it a 'trade' (see http://www.eurid.eu/en/eu-domain-names/trades-transfers) while .ie calls it a 'transfer domain holder' (see http://www.domainregistry.ie/index.php/mnumods/mnuxferdomholder). Further work on this issue would benefit from an analysis of the different approaches to 'change of control' in the ccTLD community as well as identifying potential benefits and/or possible negative consequences from applying a similar approaches in a gTLD context. If considered beneficial, consideration would also need to be given to whether a 'change of control' procedure should be defined in the context of the IRTP or whether a separate policy should be developed.

4.2.6 An initial analysis of the processes used by the previously mentioned ccTLD operators learns that in the ccTLD context a 'change of control' can be handled by the registry operator (for example .uk) or via an accredited registrar (for example .eu). In the latter

case, the registrant has to request the accredited registrar to initiate the request for a change of control, while in the case of .uk and .ie the request can be made directly to the registry by the registrant. In .eu, a trade automatically results in a one-year extension of the registration period, which is not the case with a registrant transfer in .uk or transfer domain holder in .ie. If a PDP is initiated and a Working Group decides that a 'change of control' function should be developed, similar considerations will need to be taken into account in order to determine what would be most appropriate in the context of gTLDs. Further input on other models used by ccTLD operators was requested as part of the public comment period on this Preliminary Issue Report, but no comments were submitted to this end.

4.2.7 Further consideration might also be given to 'change of control' in relation to transfers ordered as a result of Uniform Dispute Resolution Policy (UDRP)[7] proceedings. Currently there is no uniform practice for handling these: some registrars create a new account and move the name over and give control to the complainant; others provide the Auth-Info code for a transfer away. If a PDP is initiated, it would make sense to also consider 'change of control' in the context of transfers resulting from UDRP proceedings in order to ensure consistency.

4.3 Time-limiting Form of Authorization

b) Whether provisions on time-limiting Form Of Authorization (FOA)s should be implemented to avoid fraudulent transfers out. For example, if a Gaining Registrar sends and receives an FOA back from a transfer contact, but the name is locked, the registrar may hold the FOA pending

[7] It should be noted that the GNSO Council will consider shortly whether or not to initiate a PDP on the review of the UDRP. If a PDP is initiated and a PDP is initiated on IRTP Part C, co-ordination between the two efforts in relation to this specific issue (transfers as a result of UDRP proceedings) might be appropriate.

adjustment to the domain name status, during which time the registrant or other registration information may have changed.

4.3.1 In order to request an inter-registrar transfer, express authorization from either the Registered Name Holder or the Administrative Contact needs to be obtained. Such authorization must be made via a valid Standardized Form of Authorization (FOA). There are two different FOA's. The FOA labeled 'Initial Authorization for Registrar Transfer' must be used by the Gaining Registrar to request an authorization for a registrar transfer from the Transfer Contact. The FOA labeled 'Confirmation of Registrar Transfer Request' may be used by the Registrar of Record to request confirmation of the transfer from the Transfer Contact. The FOA referred to in the question above relates to the former one ('Initial Authorization for Registrar Transfer') as for the latter the IRTP specifies that the FOA 'should be sent by the Registrar of Record to the Transfer Contact as soon as operationally possible, but must be sent not later than twenty-four (24) hours after receiving the transfer request from the Registry Operator. Failure by the Registrar of Record to respond within five (5) calendar days to a notification from the Registry regarding a transfer request will result in a default "approval" of the transfer'.

4.3.2 There are no specifications in the IRTP in relation to the timing or limits of use of the 'Initial Authorization for Registrar Transfer' FOA. This issue was raised as part of the Transfer WG discussions in 2005 where it was suggested that 'we should consider limiting how long a registrar may hold an FOA before submitting a transfer request. We've run into problems when a registrar requests a transfer a month or two after they have received the FOA. By that time, the registration information may have changed, and the new registrant doesn't respond to a confirmation request. Perhaps FOAs should be effective only 5 or 10 days to avoid fraudulent transfers out' (see http://forum.icann.org/lists/transfers-wg/msg00006.html).

4.3.3 Data provided by ICANN Compliance (see IRTP Part B Final Report) suggests that a total of 13% of complaints for the period of July – November 2009 relate to ownership /

WHOIS issues / stolen domain or hijacking issues. Further details on the exact nature of these complaints is not available which makes it difficult to determine to what extent this particular issue, or the previous one, occur and are captured in this data. It should also be noted that the complaints received by ICANN Compliance probably represent a small percentage of total number of complaints[8] and should not be relied upon as the sole data source to determine the scale and nature of a particular issue or problem area. Further input or data on the incidence of this issue was requested as part of the public comment period on the preliminary Issue Report, but no such information was submitted.

4.4 IANA IDs for registrars

c) Whether the process could be streamlined by a requirement that registries use IANA IDs for registrars rather than proprietary IDs.

4.4.1 When a registrar accredits with ICANN, an ID is assigned by ICANN to identify that particular registrar. See http://www.iana.org/assignments/registrar-ids/registrar-ids.xml for the most recent list. However, when a registrar accredits with a particular registry, that registry may also assign a proprietary ID to the registrar, which differs from the IANA ID.

4.4.2 This issue of IANA vs. proprietary ID was raised as part of the Transfer WG discussions in 2005 where it was noted that 'it would be an improvement for everyone to get rid of the proprietary registrar ids that differ from registry to registry'. The suggestion was to propose that 'registries shall implement IANA ids in transfers instead'. (see http://forum.icann.org/lists/transfers-wg/msg00003.html)

[8] Registrants presumably file complaints directly with registrars and/or registries prior to escalating the issue to ICANN.

4.4.3 ICANN has insisted on the consistent use of the IANA ID for all registrars and it has streamlined and improved communication and other aspects significantly as a result. There have been many problems over the years when registrars change their names or when registries record the names slightly differently in their records. From ICANN's perspective, using a common, unchanging number assigned by ICANN (through IANA) would prevent such issues.

4.4.4 Further information on the scope or nature that the use of proprietary vs. IANA IDs poses was encouraged as part of the public comment period on the preliminary Issue Report. The gTLD Registries Stakeholder Group (RySG) pointed out that 'registrar name changes often do make it difficult to ensure that the correct registrar is identified and use of the IANA ID may be helpful in confirming registrar identification'. The RySG also noted that 'all registries that provide Monthly Registry Operator Reports to ICANN are required to provide both the registrar name and the IANA ID to identify registrar information in the Per Registrar Activity Report file so it is reasonable to think that all registries do maintain this information in their registration systems'.

5 Discussion of possible policy outcomes

5.1 If a policy development process is initiated on the issues discussed in this report, the probable outcome would be the presentation to the Council of new terms modifying the existing Inter-Registrar Transfer Policy. If the Council and the Board of Directors approved the proposed modifications, this would result in the revised Inter-Registrar Transfer Policy being posted and notice provided to all relevant parties.

5.2 If a policy development process is not initiated, or if there are no changes recommended at the conclusion of a PDP, the result would be that the status quo would continue.

5.3 The presumption is that a PDP in accordance with the issues addressed in this report should not result in additional changes to the policy beyond the three areas noted, since the scope of the PDP would be limited to the issues discussed in Section 4.

6 Staff recommendation

6.1 ICANN staff has confirmed that the proposed issues are within the scope of the policy development process and the GNSO. It is reasonable from the staff's perspective to expect that enhancements of the Inter-Registrar Transfer Policy would be beneficial to the community generally, particularly for registrants, as well as those parties (gTLD registries and registrars) who are obligated to comply with the policy provisions. ICANN staff, therefore, recommends that the GNSO Council proceed with a policy development process limited to consideration of the issues discussed in this report.

Annex A – Report of Public Comments

Title:	Preliminary Issue Report on the Inter-Registrar Transfer Policy (IRTP) Part C
Publication Date:	29 August 2011
Prepared By:	Marika Konings

Comment Period:	
Open Date:	25 July 2011
Close Date:	25 August 2011
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Staff Contact:	Marika Konings	**Email:**	Policy-staff@icann.org

Section I: General Overview and Next Steps

The Inter-Registrar Transfer Policy (IRTP) is an existing community consensus policy that was implemented in late 2004 and is now being reviewed by the GNSO. The IRTP aims to provide a straightforward procedure for domain name holders to transfer their names from one ICANN-accredited registrar to another should they wish to do so. The policy also provides standardized requirements for registrar handling of such transfer requests from domain name holders. The IRTP Part C is the third in a series of five Policy Development Processes (PDPs) that address areas for improvements in the existing Inter-Registrar Transfer Policy and considers three issues (see hereunder). The GNSO Council requested an Issue Report on IRTP Part C at its meeting on 22 June 2011 (see http://gnso.icann.org/resolutions/#201106). ICANN Staff published the IRTP Part C Preliminary Issue Report on 25 July for public comment. The report of public comments will be included as part of the Final Issue Report and the report will be updated as deemed appropriate. Based on the review of the Final Issue Report, the GNSO Council will decide whether or not to initiate a PDP on the IRTP Part C.

Section II: Contributors

At the time this report was prepared, a total of two community submissions had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by
gTLD Registries Stakeholder Group	David Maher

Individuals:

Name	Affiliation (if provided)	Initials
Michele Neylon	Blacknight Solutions	MN

Section III: Summary of Comments

General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

Issue A: "Change of Control" function, including an investigation of how this function is currently achieved, if there are any applicable models in the country-code name space that can be used as a best practice for the gTLD space, and any associated security concerns. It should also include a review of locking procedures, as described in Reasons for Denial #8 and #9, with an aim to balance legitimate transfer activity and security.

In the opinion of Michele Neylon (MN), topic A related to "Change of Control" is the most important topic as 'there is a real risk of damage without it being defined'.

The RySG supports the proposal to conduct a 'more detailed study of the best practices used by the various country-code TLD operators to facilitate the change of control of domain names' as proposed by the IRTP Part B Working Group and included in the Preliminary Issue Report. The RySG is of the view that 'only the register [should be] permitted to effect a change of control'. In relation to IRTP Reason for Denial #8, the RySG notes that 'many registries have a systematic restriction on the transfer of domains within 60 days of the creation date', therefore, the RySG is of the opinion that 'further clarification is not needed'. In relation to IRTP Reason for Denial #9, the RySG is of the view that 'additional clarification be added to specifically state that registrars are prohibited from restricting transfers for 60 days after changes to registrant details.

Issue B: Whether provisions on time-limiting Form Of Authorization (FOA)s should be implemented to avoid fraudulent transfers out. For example, if a Gaining Registrar sends and receives an FOA back from a transfer contact, but the name is locked, the registrar may hold the FOA pending adjustment to the domain name status, during which time the registrant or other registration information may have changed.

MN notes that it would be helpful if further data is obtained in relation to topic B related to provisions on time-limiting Form Of Authorization (FOA)s to determine the nature and scope of the issue.
The RySG is of the view that 'there should be a time limit on the FOA, but defers to the registrar community to determine what a reasonable time limit should be'.

Issue C: Whether the process could be streamlined by a requirement that registries use IANA IDs for registrars rather than proprietary IDs.

MN considers topic C related to IANA IDS for registrars the least important and 'possibly the easiest to actually implement'.

The RySG notes that 'registrar name changes often do make it difficult to ensure that the correct registrar is identified' and therefore agrees that 'use of the IANA ID may be helpful in confirming registrar identification'.

Section IV: Analysis of Comments

General Disclaimer: This section is intended to provide an analysis and evaluation of the comments received along with explanations regarding the basis for any recommendations provided within the analysis.

Several of the comments submitted by the RySG provide an opinion on how the issue should be addressed instead of providing further insight or information on the issue itself, which is the focus of the Issue Report. Those comments should therefore be considered by the IRTP Part C Working Group should the GNSO Council decide to initiate a PDP on this topic.